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Legislative History – Montana Session Law

Chapter: 164

Session L: 2017

Checklist of Bill History

Bill Number: SB 81

History and Final Status Sheet ☒

Introduced Bill ☒

Fiscal Note ☐

Third Reading Bill ☒

Final Version of Bill ☒

House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): March 20, 2017	Hearing Date(s): January 11, 2017
Committee Report:	Committee Report:
Conference Committee	

Hearing Date(s):

Conference Committee Report:

Links to Hearings

Senate Hearing: <https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/13421?startposition=20170111100018&mediaEndTime=20170111101018&viewMode=3&globalStreamId=5>

House Hearing: <https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170221/-1/28819?startposition=20170320075958&mediaEndTime=20170320080958&viewMode=3&globalStreamId=4>

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Compiler Notes

Compiled by: FLR

Date: March 19, 2024

Notes:

Bill Draft Number: LC1185

Bill Type - Number: SB 81

Short Title: Generally revise coroner laws

Primary Sponsor: Nels Swandal (R) SD 30

Chapter Number: 164

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 44

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/07/2017			
(S) Signed by Governor	04/07/2017			
(S) Transmitted to Governor	03/29/2017			
(H) Signed by Speaker	03/28/2017			
(S) Signed by President	03/28/2017			
(C) Printed - Enrolled Version Available	03/24/2017			
(S) Returned from Enrolling	03/24/2017			
(S) Sent to Enrolling	03/23/2017			
(H) Returned to Senate	03/22/2017			
(H) 3rd Reading Concurred	03/22/2017	100	0	
(H) Scheduled for 3rd Reading	03/22/2017			
(H) 2nd Reading Concurred	03/21/2017	100	0	
(H) Scheduled for 2nd Reading	03/21/2017			
(H) Committee Report--Bill Concurred	03/20/2017			(H) Judiciary
(H) Committee Executive Action--Bill Concurred	03/20/2017	19	0	(H) Judiciary
(H) Hearing	03/20/2017			(H) Judiciary
(H) First Reading	01/20/2017			(H) Judiciary
(H) Referred to Committee	01/20/2017			(H) Judiciary
(S) Transmitted to House	01/19/2017			
(S) 3rd Reading Passed	01/19/2017	44	2	
(S) Scheduled for 3rd Reading	01/19/2017			
(S) 2nd Reading Passed	01/18/2017	46	2	
(S) Scheduled for 2nd Reading	01/18/2017			
(S) Committee Report--Bill Passed	01/13/2017			(S) Judiciary
(S) Committee Executive Action--Bill Passed	01/12/2017	11	0	(S) Judiciary
(S) Hearing	01/11/2017			(S) Judiciary
(S) Referred to Committee	01/06/2017			(S) Judiciary
(C) Introduced Bill Text Available Electronically	01/04/2017			
(S) First Reading	01/04/2017			
(S) Introduced	01/04/2017			
(C) Draft Delivered to Requester	01/03/2017			
(C) Draft Ready for Delivery	12/22/2016			
(C) Executive Director Final Review	12/22/2016			

(C) Draft in Assembly	12/22/2016
(C) Executive Director Review	12/22/2016
(C) Bill Draft Text Available Electronically	12/22/2016
(C) Draft in Final Drafter Review	12/22/2016
(C) Draft in Input/Proofing	12/19/2016
(C) Draft to Drafter - Edit Review	12/19/2016
(C) Draft in Edit	12/16/2016
(C) Draft in Legal Review	12/15/2016
(C) Draft to Requester for Review	12/14/2016
(C) Draft On Hold	12/12/2016
(C) Draft Request Received	11/29/2016

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Swandal	Nels
Drafter	Burkhardt	Julianne
Primary Sponsor	Swandal	Nels

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Law Enforcement (see also: Criminal Procedure)		Simple	LEN
Local Government (see also: City Subjects; County Subjects)		Simple	LG

Additional Bill Information

Fiscal Note Probable: No
Preintroduction Required: N
Session Law Ch. Number: 164
<i>DEADLINE</i>
Category: General Bills
Transmittal Date: 03/01/2017
Return (with 2nd house amendments) Date: 04/06/2017

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-OCT-17	

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;

(3) ~~report annually to the law and justice interim committee and at the beginning of each regular legislative session report to the house appropriations subcommittee that considers general government on the status of development and procurement of information technology within the judicial branch, including any changes in the judicial branch information technology strategic plan and any problems encountered in deploying appropriate information technology within the judicial branch. The court administrator shall, to the extent possible, provide that current and future information technology applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in 2-17-521;~~

(4) recommend to the supreme court improvements in the judiciary;

(5) administer legal assistance for indigent victims of domestic violence, as provided in 3-2-714;

(6) administer state funding for district courts, as provided in chapter 5, part 9;

(7) administer and report on the child abuse court diversion pilot project provided in 41-3-305;

(8) administer the judicial branch personnel plan; and

(9) perform other duties that the supreme court may assign. (Subsection (7) terminates June 30, 2017--sec. 7, Ch. 376, L. 2015.)"

Approved April 7, 2017

CHAPTER NO. 164

[SB 81]

AN ACT REVISING LAWS REGARDING CORONERS; PROVIDING THAT HEALTH CARE INFORMATION REGARDING A DECEASED PATIENT MAY BE DISCLOSED TO A CORONER FOR USE IN THE CORONER'S INVESTIGATION; AND AMENDING SECTION 50-16-811, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 50-16-811, MCA, is amended to read:

"50-16-811. When health care information available by compulsory process. (1) Health care information may not be disclosed by a health care provider pursuant to compulsory legal process or discovery in any judicial, legislative, or administrative proceeding unless:

(a) the patient has authorized in writing the release of the health care information in response to compulsory process or a discovery request;

(b) the patient has waived the right to claim confidentiality for the health care information sought;

(c) the patient is a party to the proceeding and has placed the patient's physical or mental condition in issue;

(d) the patient's physical or mental condition is relevant to the execution or witnessing of a will or other document;

(e) the physical or mental condition of a deceased patient is placed in issue by any person claiming or defending through or as a beneficiary of the patient;

(f) a patient's health care information is to be used in the patient's commitment proceeding;

(g) the health care information is for use in any law enforcement proceeding or investigation in which a health care provider is the subject or a party, except that health care information so obtained may not be used in any proceeding against the patient unless the matter relates to payment for the patient's health care or unless authorized under subsection (1)(i);

(h) a court has determined that particular health care information is subject to compulsory legal process or discovery because the party seeking the information has demonstrated that there is a compelling state interest that outweighs the patient's privacy interest; **or**

(i) the health care information is requested pursuant to an investigative subpoena issued under 46-4-301 or similar federal law; **or**

(j) *the patient is deceased and the coroner requires the health care information for the investigation of the death as provided in Title 46, chapter 4, part 1.*

(2) This part does not authorize the disclosure of health care information by compulsory legal process or discovery in any judicial, legislative, or administrative proceeding where disclosure is otherwise prohibited by law."

Approved April 7, 2017

CHAPTER NO. 165

[SB 121]

AN ACT PROVIDING THAT BONA FIDE VOLUNTEER POSITIONS ARE NOT REPORTABLE TO THE TEACHERS' RETIREMENT SYSTEM; EXTENDING RULEMAKING AUTHORITY; AMENDING SECTION 19-20-302, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 19-20-302, MCA, is amended to read:

"19-20-302. Active membership. (1) Unless otherwise provided by this chapter, the following persons employed by an employer must be active members of the retirement system:

(a) a person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) a person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system and who has not elected or is not required to participate in the university system retirement program under Title 19, chapter 21;

(c) a person employed as a speech-language pathologist, school nurse, professionally qualified person as defined in 20-7-901, paraprofessional who provides instructional support, dean of students, or school psychologist;

(d) a person employed in a teaching or an educational services capacity by the office of a county superintendent, an education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(e) a person who is an administrative officer or a member of the instructional staff of the board of public education;

(f) the superintendent of public instruction or a person employed as a teacher or in an educational services capacity by the office of public instruction;

(g) except as provided in subsection (2), a person elected to the office of county superintendent of schools;

(h) a person who is an administrative officer or a member of the instructional or scientific staff of a community college; and

SENATE BILL NO. 81

INTRODUCED BY N. SWANDAL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING CORONERS; PROVIDING THAT HEALTH CARE INFORMATION REGARDING A DECEASED PATIENT MAY BE DISCLOSED TO A CORONER FOR USE IN THE CORONER'S INVESTIGATION; AND AMENDING SECTION 50-16-811, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-16-811, MCA, is amended to read:

"50-16-811. When health care information available by compulsory process. (1) Health care information may not be disclosed by a health care provider pursuant to compulsory legal process or discovery in any judicial, legislative, or administrative proceeding unless:

(a) the patient has authorized in writing the release of the health care information in response to compulsory process or a discovery request;

(b) the patient has waived the right to claim confidentiality for the health care information sought;

(c) the patient is a party to the proceeding and has placed the patient's physical or mental condition in issue;

(d) the patient's physical or mental condition is relevant to the execution or witnessing of a will or other document;

(e) the physical or mental condition of a deceased patient is placed in issue by any person claiming or defending through or as a beneficiary of the patient;

(f) a patient's health care information is to be used in the patient's commitment proceeding;

(g) the health care information is for use in any law enforcement proceeding or investigation in which a health care provider is the subject or a party, except that health care information so obtained may not be used in any proceeding against the patient unless the matter relates to payment for the patient's health care or unless authorized under subsection (1)(i);

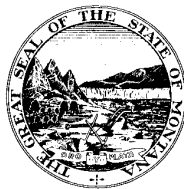
(h) a court has determined that particular health care information is subject to compulsory legal process or discovery because the party seeking the information has demonstrated that there is a compelling state interest that outweighs the patient's privacy interest; or

1 (i) the health care information is requested pursuant to an investigative subpoena issued under 46-4-301
2 or similar federal law; or

3 (j) the patient is deceased and the coroner requires the health care information for the investigation of
4 the death as provided in Title 46, chapter 4, part 1.

5 (2) This part does not authorize the disclosure of health care information by compulsory legal process
6 or discovery in any judicial, legislative, or administrative proceeding where disclosure is otherwise prohibited by
7 law."

8 - END -



AN ACT REVISING LAWS REGARDING CORONERS; PROVIDING THAT HEALTH CARE INFORMATION REGARDING A DECEASED PATIENT MAY BE DISCLOSED TO A CORONER FOR USE IN THE CORONER'S INVESTIGATION; AND AMENDING SECTION 50-16-811, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-16-811, MCA, is amended to read:

"50-16-811. When health care information available by compulsory process. (1) Health care information may not be disclosed by a health care provider pursuant to compulsory legal process or discovery in any judicial, legislative, or administrative proceeding unless:

(a) the patient has authorized in writing the release of the health care information in response to compulsory process or a discovery request;

(b) the patient has waived the right to claim confidentiality for the health care information sought;

(c) the patient is a party to the proceeding and has placed the patient's physical or mental condition in issue;

(d) the patient's physical or mental condition is relevant to the execution or witnessing of a will or other document;

(e) the physical or mental condition of a deceased patient is placed in issue by any person claiming or defending through or as a beneficiary of the patient;

(f) a patient's health care information is to be used in the patient's commitment proceeding;

(g) the health care information is for use in any law enforcement proceeding or investigation in which a health care provider is the subject or a party, except that health care information so obtained may not be used in any proceeding against the patient unless the matter relates to payment for the patient's health care or unless authorized under subsection (1)(i);

(h) a court has determined that particular health care information is subject to compulsory legal process or discovery because the party seeking the information has demonstrated that there is a compelling state interest

that outweighs the patient's privacy interest; ~~or~~

(i) the health care information is requested pursuant to an investigative subpoena issued under 46-4-301 or similar federal law; or

(j) the patient is deceased and the coroner requires the health care information for the investigation of the death as provided in Title 46, chapter 4, part 1.

(2) This part does not authorize the disclosure of health care information by compulsory legal process or discovery in any judicial, legislative, or administrative proceeding where disclosure is otherwise prohibited by law."

- END -

I hereby certify that the within bill,
SB 0081, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 81
INTRODUCED BY N. SWANDAL

AN ACT REVISING LAWS REGARDING CORONERS; PROVIDING THAT HEALTH CARE INFORMATION REGARDING A DECEASED PATIENT MAY BE DISCLOSED TO A CORONER FOR USE IN THE CORONER'S INVESTIGATION; AND AMENDING SECTION 50-16-811, MCA.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 20, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Jennifer Eck (D)

Members Absent:

Rep. Ellie Hill Smith (D)

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 20, 3/15/2017; SB 81, 3/15/2017; SB 90, 3/15/2017; SB 310, 3/15/2017
Executive Action: HB 559, SB 144, SB 207, SB 282, SB 90, SB 81, SB 20

HEARING ON SB 310

Opening Statement by Sponsor:

00:01:27 Sen. Lea Whitford (D), SD 8, opened the hearing on SB 310, Revise laws related to criminal jurisdiction on the Flathead Indian Reservation.

Proponents' Testimony:

00:03:28 Rep. Eck joined the meeting.

00:07:35 Vernon Finley, Confederated Salish and Kootenai Tribes (CSKT)

00:09:40 Ryan Rusche, Self

[EXHIBIT\(juh57a01\)](#)

00:19:11 Anne Sherwood, Confederated Salish and Kootenai Tribes (CSKT)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:12 Rep. Kelker

00:24:47 Sen. Whitford

00:26:04 Rep. McConnell

00:27:22 Ryan Rusche, Self

00:29:25 Rep. Harris

00:29:52 Ryan Rusche, Self

00:32:56 Rep. Manzella

00:33:19 Sen. Whitford

00:35:07 Rep. Manzella

00:35:28 Vernon Finley, CSKT

00:36:14 Rep. Sheldon-Galloway

00:36:44 Ryan Rusche, Self

00:38:40 Chair Doane

00:39:06 Ryan Rusche, Self

Closing by Sponsor:

00:40:02 Sen. Whitford

HEARING ON SB 20

Opening Statement by Sponsor:

00:42:03 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 20, Revise court administrator laws to eliminate IT reporting requirement.

Proponents' Testimony:

00:42:43 Beth McLaughlin, Montana Supreme Court

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:44:15 Sen. Swandal

HEARING ON SB 81

Opening Statement by Sponsor:

00:44:41 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 81, Generally revise coroner laws.

Proponents' Testimony:

00:45:32 Wilson Ilgenfritz, Montana Funeral Directors Association (MFDA)

00:46:01 Rep. Eck left the meeting.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:19 Rep. Manzella

00:46:34 Sen. Swandal

Closing by Sponsor:

00:47:04 Sen. Swandal

HEARING ON SB 90

Opening Statement by Sponsor:

00:47:22 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 90, Remove mandatory jail for driving on suspended or revoked license.

Proponents' Testimony:

00:49:53 Greg Mohr, Montana Magistrates Association (MMA)

00:54:33 Adrienne Cotton, Montana Department of Corrections (COR)

00:55:09 SK Rossi, American Civil Liberties Union (ACLU)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:35 Rep. Harris

00:55:53 Greg Mohr, MMA

00:56:08 Rep. McConnell and Rep. Morigeau left the meeting.

Closing by Sponsor:

00:58:47 Sen. Swandal

Committee Business:

01:08:22 Chair Doane

01:09:12 Recess

02:01:26 Reconvene

EXECUTIVE ACTION ON SB 144**Discussion:**

02:01:39 Helen Thigpen, Legislative Services Division (LSD)

02:02:07 **Motion:** Rep. Berglee moved that **SB 144 BE CONCURRED IN.**02:02:12 **Motion:** Rep. Wagoner moved that **SB 144 BE AMENDED.**[**EXHIBIT\(juh57a02\)**](#)**Discussion:**

02:02:21 Helen Thigpen, LSD

02:03:10 Rep. Wagoner

02:03:29 Rep. Court

02:03:54 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy.02:04:19 **Motion/Vote:** Rep. Berglee moved that **SB 144 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy. Rep. Wagoner will carry the bill.**EXECUTIVE ACTION ON SB 207****Discussion:**

02:05:11 Helen Thigpen, LSD

02:05:39 **Motion:** Rep. Berglee moved that **SB 207 BE CONCURRED IN.**02:05:49 **Motion:** Rep. Kelker moved that **SB 207 BE AMENDED.**[**EXHIBIT\(juh57a03\)**](#)**Discussion:**

02:06:05 Helen Thigpen, LSD

02:06:36 Rep. Manzella

02:06:45 Helen Thigpen, LSD

02:07:13 Rep. Usher

02:07:32 Rep. Manzella

02:07:35 Rep. Usher

02:08:01 Rep. Kelker

02:08:14 Helen Thigpen, LSD

02:08:30 Rep. Kelker

02:08:41 Chair Doane

02:08:47 Rep. Wagoner
02:08:57 Rep. Manzella
02:09:27 Rep. Wagoner
02:10:07 Rep. B. Brown
02:10:35 Helen Thigpen, LSD
02:11:10 Rep. Kelker
02:11:35 Chair Doane

02:11:41 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy.

02:12:15 **Motion/Vote:** Rep. Berglee moved that **SB 207 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy. Rep. Knudsen will carry the bill.

EXECUTIVE ACTION ON SB 282

Discussion:

02:13:02 Helen Thigpen, LSD
02:13:19 Rep. Hill Smith joined the meeting

02:13:27 **Motion:** Rep. Berglee moved that **SB 282 BE CONCURRED IN**.

02:13:41 **Motion:** Rep. Berglee moved that **SB 282 BE AMENDED**.
[EXHIBIT\(juh57a04\)](#)

02:13:49 Helen Thigpen, LSD

02:14:45 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck, Rep. McConnell and Rep. Morigeau voted by proxy.

02:15:49 **Motion:** Rep. Berglee moved that **SB 282 BE CONCURRED IN AS AMENDED**.

Discussion:

02:15:58 Rep. Kelker
02:17:01 Rep. Court
02:17:32 Rep. McConnell joined the meeting.
02:18:01 Chair Doane

02:18:12 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON HB 559

Discussion:

02:19:34 Helen Thigpen, LSD

02:19:50 **Motion:** Rep. Berglee moved that **HB 559 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON SB 90

02:20:12 **Motion:** Rep. Berglee moved that **SB 90 BE CONCURRED IN**.

Discussion:

02:20:22 Rep. Usher

02:22:28 Rep. McConnell

02:24:32 Helen Thigpen, LSD

02:25:12 **Motion/Vote:** Rep. Kelker moved that **SB 90 BE CONCEPTUALLY AMENDED THAT IF HB 133 IS PASSED AND APPROVED THAN SB 90 IS VOID**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Morigeau voted by proxy.

02:25:51 **Motion/Vote:** Rep. Berglee moved that **SB 90 BE CONCURRED IN AS AMENDED**. Motion carried 17-2 by voice vote with Rep. M. Regier and Rep. Usher voting no. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Mortensen will carry the bill.

EXECUTIVE ACTION ON SB 81

02:26:58 **Motion:** Rep. Berglee moved that **SB 81 BE CONCURRED IN**.

Discussion:

02:27:05 Rep. Wagoner

02:27:14 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Bishop will carry the bill.

EXECUTIVE ACTION ON SB 20

02:28:08 **Motion/Vote:** Rep. Berglee moved that **SB 20 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Court will carry the bill.

ADJOURNMENT

Adjournment: 02:29:11

Sara Fleming, Secretary

sf

Additional Documents:

EXHIBIT([juh57aad.pdf](#))